

**Remarks**

**Claim Rejections 35 USC 112**

Claims 1-32 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Applicants have addressed the Examiner's rejections as follows.

In claims 1, 18 and 19, the phrase "cellulose based products including wood" has been changed to read simply "cellulose based products." Support for the amendment can be found in the specification at paragraphs 0002 and 0007, among other places.

In claims 1 and 19, the word "wood" has been removed from line 14 of the claim, changing the included phrase to "a preservative composition," and thus eliminating the antecedent basis issue.

With regard to claim 5, the Examiner objects to the claim as being outside of the scope of claim 1, on which it depends through claim 4. The Applicants have amended claim 4 to make it clear that copper is present as part of a copper bearing material. Support can be found in paragraph 0002.

The Examiner's specific rejection of claim 19 has been addressed by the above mentioned amendment to claim 19.

With regard to claim 23, the Examiner objects to the claim as being outside of the scope of claim 19, from which it depends through claim 22. The Applicants have amended claim 22 to make it clear that copper is present as part of a copper bearing material. Support can be found in paragraph 0002.

Applicants thus respectfully submit that independent claims 1, 18 and 19 are allowable, with 2 through 17, 20 through 32 allowable as depending from allowable independent claims.

**Claim Rejections 35 USC 103**

With respect to the Examiner's rejections of claims 1, 4-12, 15-17, 19, 22-27 and 29-32 under 35 USC 103, Applicants have amended base claim 1 to include the limitations of claims 2

and 3 and base claim 19 to include the limitations of claims 20 and 21. The Examiner has indicated in the "Allowable Subject Matter" section that the limitations in these dependent claims, when combined with their respective base claims, define allowable subject matter. The imported limitations pertain to the inclusion of ammonia or an ammonium salt. Applicants have canceled claims 2, 3, 13, 20, 21 and 28, while adding claims 33-59. Added claims 33 and 45 incorporate the limitation of claims 13 and 28 ("said vinyl based polymer is present at a concentration between about 0.01% and about 8% by weight") into their respective base claims. Claims 34-44 and 46-54 further contain other specific limitations found in the pending dependent claims. Claims 55-59 depend from claims 1, 18, 19, 33 and 45 respectively, and specify the cellulose based product of the base claims from which they depend to be wood. The amendments are without prejudice and consistent with the Examiner's remarks in the "Allowable Subject Matter" section.

#### **Conclusion**

Based on the above amendments, it is believed that claims 1, 4-12, 14-19, 22-27 and 29-59 are now in a condition for allowance and therefore Applicants request the Examiner to allow the claims. If a discussion with the Applicant's attorney would facilitate the allowance of this case, the Examiner is respectfully requested to call the undersigned.

This response is being filed with a request for three months extension, and a check for \$950.00 is enclosed. If, however, any additional fee is due, the USPTO is authorized to charge Deposit Account no. 08-2442.

Respectfully submitted,

By: 

Ranjana Kadle, Reg. No. 40,041

HODGSON RUSS LLP  
One M & T Plaza, Suite 2000  
Buffalo, New York 14203-2391  
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